

**OPINION 2350 (Case 3566)*****Tropidolaemus* Wagler, 1830 and *Cophias wagleri* F. Boie, 1827  
(currently *Tropidolaemus wagleri*) (Reptilia, Squamata, VIPERIDAE):  
usage conserved**

**Abstract.** The Commission has conserved under the plenary power the usage of the specific name *wagleri* for a species of venomous snake by ruling that the specific name *Cophias wagleri* was established by F. Boie (1827), and by designating a neotype. The Commission has ruled that *Trigonocephalus* [*Cophias*] *wagleri* was established by Schlegel (1826) as a separate taxon and not as a replacement name.

**Keywords.** Nomenclature; taxonomy; Reptilia; Serpentes; *Parias*; *Tropidolaemus*; *Tropidolaemus wagleri*; *Trimeresurus* (*Parias*) *sumatranus*; snakes; Southeast Asia.

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**Ruling**

- (1) Under the plenary power:
  - (a) it is hereby ruled that that all usages of the name *Cophias wagleri* prior to that by F. Boie (1827) are unavailable.
  - (b) it is hereby ruled that the nominal species *Cophias wagleri* (misidentified as *Coluber sumatranus*) shall not be treated as a replacement name, but as a new available name published by F. Boie (1827);
  - (c) all type fixations for *Cophias wagleri* F. Boie (1827) prior to that by Vogel et al. (2007) of specimen MNHN 1879.0708 in Muséum National d'Histoire Naturelle, Paris are hereby set aside.
- (2) The name *Tropidolaemus* Wagler, 1830 (gender: masculine), type species by monotypy *Cophias wagleri* F. Boie, 1827 as defined by the type specimen specified in (1)(c) above, is hereby placed on the Official List of Generic Names in Zoology.
- (3) The name *wagleri* F. Boie, 1827, as published in the binomen *Cophias wagleri* (specific name of the type species of *Tropidolaemus*), is hereby placed on the Official List of Specific Names in Zoology.

**History of Case 3566**

An application to conserve the usage of the specific name *wagleri* for a species of venomous snake by ruling that the specific name *Cophias wagleri* was established by F. Boie (1827) and designating a neotype was received from Jay M. Savage (Department of Biology, San Diego State University, San Diego, CA 92182-4614, U.S.A.) on 12 March 2011. After correspondence the case was published in BZN 69: 116–121 (June 2012). The title, abstract and keywords of the case were published on the Commission's website. The Case was sent for vote on 1 December 2013. A majority of Commissioners voted FOR the Case (22 For, 3 Against). One Commissioner abstained. No comments were received on this Case.

**Decision of the Commission**

At the close of the voting period on 1 March 2014 the votes were as follows:

Affirmative votes – 21: Alonso-Zarazaga, Ballerio, Bogutskaya; Brothers, Grygier, Halliday, Harvey, Kottelat, Krell, Kullander, Lamas, Minelli, Pape, Patterson, Rosenberg, Štys, van Tol, Winston, Yanega, Zhang and Zhou.

Negative votes – 3: Fautin, Kojima and Lim.

Abstained – 1: Bouchet

Ng and Pyle were on leave of absence.

Voting FOR, Grygier said that there were a number of notable errors, although only one possibly affected the main thrust of the Case, which itself was fine. Namely, proposal (2) was misworded: its last part, ‘as ruled in (1)(c) above’, is wrong, since (1)(c) did not rule on the type species or on its fixation by monotypy. He thought the intended meaning was evidently something like ‘as defined by the type specimen specified in (1)(c) above’, and that any qualification put on the name when entered in the Official List should be worded in this way. Among several other concerns, the Case could not be brought up under Articles 12 and 75.3 as stated, since neither of these refers any matter to the Commission; the correct Articles were 78.1 and 81.1. In line 5 of para. 3, ‘the now already’ seemed to be a mistranslation (syntactically misplaced, at least), he added. He also noted that the last line of para. 3 said that certain names are available by bibliographic reference (Article 12.2.1), but they are actually available as replacement names for available names (Article 12.2.3), and this same critique applied to the latter half of para. 8. Para. 4 agreed with an earlier author’s conclusion that *sumatrensis* (for *sumatranus*) is an emendation, based on Schlegel’s use of *sumatrensis* in two works. This was not one of the three instances recognized under Article 33.2.1 as the only circumstances under which a change can be deemed ‘demonstrably intentional’; therefore, contrary to the statements in paras. 4 and 13, ‘*sumatrensis*’ of Schlegel was just an incorrect subsequent spelling with no separate authorship from ‘*sumatranus*’.

Voting AGAINST, Fautin said that the Abstract stated, ‘the Commission is now asked to rule that this name denotes a separate taxon,’ but the Commission did not involve itself in taxonomy, which this statement indicated was the intent of the appeal; the authors could do that without intervention of the Commission. If the authors actually wished the Commission to decide something else, an appeal with that clearly stated should be submitted. Also voting AGAINST, Kojima said that there was no need of the plenary power of the Commission to conserve *Tropidolaemus* Wagler, 1830 and *Cophias wagleri* F. Boie, 1827. Even if it was Schlegel’s (1826a, b) intention, *Cophias wagleri* Schlegel (1826a, b) could not be treated as a replacement for *Coluber sumatranus* Raffles, 1822, unless Schlegel (1826a, b) explicitly stated that his *Cophias wagleri* was the replacement name for *Coluber sumatranus*. Schlegel’s (1826a, b) expression should be regarded as proposing a new name for the snake species that was named as *Cophias wagleri* by H. Boie in his unpublished *Erpetologie* but that was considered by Schlegel or H. Boie as having been misidentified as *Coluber sumatranus*. Referring only to an unpublished manuscript, *wagleri* Schlegel (1826a, b) was unavailable. Consequently *Cophias wagleri* F. Boie, 1827 was available and valid with the type specimen that had been described in Seba (1735). Seba’s (1735) specimen is untraced and Vogel et al.’s (2007) neotype designation is valid, he added.

ABSTAINING, Bouchet said that he understood and approved the intention of the application in terms of stability. However, the proposals on which the Commission was asked to vote were very contorted. The same result would have been obtained by declaring MNHN 1879.0708 (neotype of *Cophias wagleri* F. Boie, 1827) the neotype of *Cophias wagleri* Schlegel, 1826; this could have been done without action by the Commission. He added that he should also want to record that the name *Coluber sumatrensis* [as used in Schlegel (1826)] had no standing in nomenclature: it was not used as a valid name of a taxon, and thus was not an available name; it was unimportant to decide whether it was an incorrect subsequent spelling or an unjustified emendation.

### Original references

The following are the original references to the names placed on Official Lists and Indexes by the ruling given in the present Opinion:

*wagleri*, *Cophias*, F. Boie, 1827, *Isis von Oken*, **20**: column 561.

*Tropidolaemus* Wagler, 1830, *Natürliches System der Amphibien, mit vorangehen der Classification der Säugethiere und Vögel*. J. G. Gotta, München, p. 175.

The following is the original reference for the type species designation cited in this ruling:

Vogel, G., David, G.P., Lutz, M., Van Rooijen, J. & Vidal, N. 2007. *Zootaxa*, **1644**: 12.